



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICANT: Defez et al. GROUP: 1636
SERIAL NO: 09/831,577 EXAMINER: D. Lambertson
FILED: 08/27/01
FOR: METHOD TO CONTROL GENE EXPRESSION IN BACTERIA,
NAMELY RHIZOBIACEAE TO IMPROVE ROOT NODULE
DEVELOPMENT, NITROGEN FIXATION AND PLANT BIOMASS
PRODUCTION

#93
Juta
5/22/03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In response to the Restriction Requirement of December 17, 2002, Applicant elects Group IV, Claims 19 and 20 drawn to methods of using the recombinant sequence to increase plant biomass production. The elected claims have been amended as indicated below in order to place them in proper form.

IN THE CLAIMS:

Please amend claim 19 as follows:

- 1 19. (Twice Amended) Use of a recombinant DNA molecule comprising a promintron
- 2 sequence of the rolA gene from *Agrobacterium rhizogenes* as in SEQ ID NO. 1, or of DNA
- 3 sequences comprising said promintron sequence, or of functional homologous or portion thereof,
- 4 to induce the expression of a DNA coding sequence, in recombinant bacteria during exponential,
- 5 post-exponential and stationary phase of growth, and in bacteroids within root nodules, said coding
- 6 DNA sequence being under the control of said promintron sequence, said recombinant DNA
- 7 molecule being covalently linked to the 3' end of said promintron sequence, a DNA coding